

April 9, 2014

Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

**RE: APPEALS, REQUESTS FOR WAIVER OF 47 CFR, SECTION 54.507(d),
WAIVER OF ORDER, DA 00-2444 - RELEASED NOVEMBER 1, 2000,
AND WAIVER OF REPORT AND ORDER FCC 01-196, AND REVIEW
OF ADMINISTRATOR'S FEBRUARY 11, 2014, DECISIONS ON THE
IMPLEMENTATION EXTENSION REQUESTS BY FAIRFAX SCHOOL
DISTRICT**

CC Docket Numbers:	02-6
Billed Entity No.:	Zephyr Lane Elementary
Billed Entity No.:	16067837
Form 471 App. Nos.:	848197
	848215
	848221
FCC Registration No.:	0021549217
Funding Year:	Erate Year 15, 2012
Applicant's Form Identifier:	YR15ICSC
Administrator's Decision	
Letter Date:	February 11, 2014
Amount Being Appealed:	\$198,612.72
Funding Request Nos.:	2304040
	2304083
	2304108

Designated Contact Person For This Appeal:

Name:	William A. Hornback, Esq.
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To Whom It May Concern:

This letter constitutes the Appeals, Requests for Waiver of 47 CFR, Section 54.507(d), waiver of Order, DA 00-2444 (Released November 1, 2000), and

Schools Legal Service
is a joint powers entity
providing legal and
collective bargaining
services to California
public education
agencies since 1976.

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waiver of Report and Order FCC 01-196, and Request for Review by the Fairfax School District (hereinafter "District") of the above-referenced Universal Service Administrative Company/Schools and Libraries Division (hereinafter USAC/SLD) Administrator's decisions against the District dated February 11, 2014, on the District's Implementation Extension Request dated November 5, 2013. A complete listing of the service providers, report numbers, disputed amounts, and other information is attached for convenience as Exhibit 1. True and correct copies of the Administrator's decision letters which are the subject of these requests are attached as Exhibit 2.

EXACT LANGUAGE BEING APPEALED:

The District appeals and requests consideration of the waiver requests submitted by the District. The language in each letter being appealed is as follows:

"Decision on Appeal: **Denied in full**

"Explanation: Request received after the FCC deadline for Implementation Deadline Extension requests which was 9/30/2013.

"In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances."

SUMMARY OF ISSUES:

Each of the Administrator's decisions involve the same central issue, which is the question of the validity of the District's requests for extension of the implementation deadline. Given the determination that the application for extension of the implementation deadline was late, the District also requests waivers of the extension request and implementation deadlines.

The District argues that good cause for the extension was shown in the late application and seeks waiver of the deadlines, asserting there is both regulatory and case authority for exercise of discretion in this instance, and that restrictive case authority is inapplicable in this instance. The District asserts that where there is good cause for the extension and the late filing is not likely to impede USAC's ability to administer the Erate program, the violation is procedural, not substantive, and there is no evidence of waste, fraud, or abuse of Erate funds or a failure to adhere to core program requirements.

STATEMENT OF ISSUE:

Where good cause for an extension of the implementation deadline exists but a public school district commits a procedural violation by failing to timely file the extension request and files late, can the deadline be waived and the extension granted, where there is no evidence of waste, fraud, abuse of Erate funds, no failure to adhere to core program requirements, and no evidence that the late filing is likely to impede USAC's ability to administer the Erate program?

STATEMENT OF APPLICABLE RULES AND LAW:

The implementation deadline for non-recurring services is September 30 of the year following the close of the funding year. [47 CFR, Section 54.507(d)]

Applicants who wish to satisfy criteria (3) for an implementation deadline extension should submit documentation requesting relief to the Administrator on or before the original non-recurring services deadline, in accordance with a prior ruling. [Report and Order FCC 01-196, page 5, paragraph 15]

The applicant seeking an extension of the implementation deadline for non-recurring services, due to circumstances beyond the control of the service provider, must have submitted documentation to USAC prior to the expiration of the September 30 deadline. [Order, Released November 1, 2000, DA 00-2444, page 4, paragraph 9]

Generally, the Commission's rules may be waived if good cause is shown. [47 CFR, Section 1.3]

For good cause, the Commission may waive any provision of the rules. (47 CFR, Section 1.3) A waiver is permissible where particular facts would make strict compliance inconsistent with the public interest. [*AT&T Corp. v. FCC* (2006) 448 F.3d 426, 433]

Where an agency's late filing of its application is not likely to impede USAC's ability to administer the Erate program, where the violation is procedural, not substantive, a complete rejection of the agency's application is not warranted, especially where there is no evidence of waste, fraud, or abuse of Erate funds or a failure to adhere to core program requirements. [Request for Waiver of Section 54.507 of the Commission's Rules and Review of a Decision of the Universal Service Administrator by Minford Local Schools, File No. SLD 637390, citing "Request for Waiver and Review of Decisions of the Universal Service Administrator by Acorn Public Library District, Oak Forest, IL, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-637819, et al., CC Docket No. 02-6, Order, 23 FCC Rcd 15474, App]

In considering waivers, the Commission should take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. [*WAT Radio v. FCC* (1969) 418 F.2d 1153, 1159]

Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. [*NetworkIP, LLC v. FCC* (2008) 548 F.3d 116, 125-128]. District argues this rule is inapplicable to these circumstances.

STATEMENT OF FACTS:

The District intended to construct a new school, Zephyr Lane Elementary, and use the Erate program to help fund installation of structured cabling, network electronics, and telephony systems in the new school.

In July 2007, the District determined to build a new school, and a location on Zephyr Lane was selected for the site. In March 2011, the District applied to the state of California for Hardship Funding and was approved in May 2011. In June 2011, the District applied for State School Construction Bond funding for the school and the project was approved for funding in October 2011, but remained unfunded until October 2012 due to the economic downturn and the resulting inability of the state of California to sell bonds to fund school construction. [Attachments B and C to Declaration of Michael Coleman, Exhibit 3] Funding was received and construction on the new school began in October 2012.

Anticipating receipt of state construction funding, the District had begun the funding approval process for the Erate program in January 2012 and followed all applicable rules of that program, which resulted in Erate funding approvals in January 2013. The construction funding had been delayed for about eight months however, and a structural approval dispute over the project's plans had resulted in at least an eight-month delay in the progress of construction. Construction of the foundations, walls, and other components of the school had to be in place in order to properly receive the work to be funded by the Erate program. For example, the work on structured cabling was to start at least by June 2013, but the site was not ready to receive the work until mid-September 2013. The network electronics and telephony components were also delayed, as the structured cabling must be in place before those portions of the work can commence. Even at this date, work in the classroom buildings is not ready to proceed due to the additional delays in approval of structural plans.

The construction schedule originally had the school ready to receive the Erate work in or about January 2013, the same time as the District anticipated Erate funding approvals. While the Erate funding was approved, the school was not ready to receive the Erate work until mid-

September 2013, and only part of the school was ready to receive the work at that time. Structured cabling work commenced in September 2013.

At the time, the District believed no implementation deadline extension request was required, believing there had been an extension of the implementation deadline for recurring expenses and mistakenly believing this also included all the Erate work. The District Superintendent believed that the issuance of a Form 486 authorizing payment for the subject work, issued prior to September 30, 2013, would be sufficient to enable payments to be made while the ongoing work was completed. The Superintendent was under the mistaken belief that the structured cabling services were "recurring" because they were to be paid via progress payments, the same as other ongoing construction services being provided at the new school. The Superintendent did not understand that progress payments do not make services "recurring," as that term is used in the Erate program. It is noted that the terms "recurring" and "non-recurring" are not defined in the program's "Glossary of Terms" on the USAC website.

The Superintendent (who has limited experience with the Erate program) saw a notice that the deadline for implementation of recurring services had been automatically extended, and he mistakenly believed this applied to the services under the subject FRN's, so no request for an extension was filed until a request by the service provider for payment was rejected. When the District ascertained that an extension application was needed, the District applied for extensions on November 5, 2013, some 36 days late, which extension requests were denied by the Administrator on February 11, 2014. Installation of the structured cabling work continued during that time frame.

There are three Erate Form 471s associated with construction of the new school, as follows:

Form 471 No.	Scope of Work	Date Work Commenced
848197	Structured cabling - cabling and associated hardware which provide a comprehensive telecommunications infrastructure serving a wide range of uses, such as telephone service or transmitting data through a computer network	09-19-2013
848215	Network electronics - electronic devices that are connected to the cabling infrastructure that allow for connectivity of the network (e.g., hubs, switches, and wireless routers)	Cannot install before completion of structured cabling
848221	Telephony - the telephone system that is plugged into the structured cabling, allowing both internal and external voice communication to the campus	Cannot install before completion of structured cabling

These factual details are all contained in and taken from the Declaration of Michael Coleman, Superintendent of the Fairfax School District, and the exhibits attached to it, which is attached to this letter as Exhibit 3 and incorporated as though set forth herein verbatim and which is believed to demonstrate good cause for an extension of the implementation deadline.

APPLICATION OF APPLICABLE LAW TO CURRENT FACTS:

A. Good Cause For An Extension Has Been Shown.

The law seems clear that extensions of the implementation deadline may, under various circumstances, be granted via the FCC rules governing deadlines and waivers. As stated above, the deadline for implementation of non-recurring services is September 30 of the year following the funding year. "The deadline for implementation of non-recurring services will be September 30 following the close of the funding year" [47 CFR, Section 54.507(d)]

One of the grounds for requesting an extension of the implementation deadline is the inability of a service provider ". . . to complete implementation for reasons beyond the service provider's control" [47 CFR, Section 54.507(d)(3)] As shown in the attached Declaration of Michael Coleman, the various service providers involved in this matter were prevented from performing their scope of work by the delayed construction of the new school, which was not ready to receive the work of the service providers in time to meet the implementation deadline. The new school construction was delayed in part by the state of California's delay in funding the project and unrelated structural issues (since resolved but having nothing to do with the service providers, except to delay their work).

The November 5, 2013, request for extension contained the following language:

"The project has been stopped a number of times in the past 15 months. These stoppages were well outside the ability of our school district's control and outside the vendor's control as well.

"The construction was expected to move along well within the timelines. The State funding of the school was extremely slowed down as the State economy required deferrals of payments and stoppage of State bond sales. At the same time, after funding the State issued a delay on approval related to a structural issue. These have all been resolved.

"As the Superintendent of the School District, I am certifying under penalty of perjury that the delays mentioned above are entirely outside of the control of the service provider(s)."

As previously stated, the present situation involves the District's failure to apply for an extension in advance of the deadline for which extension is sought. The non-recurring services implementation deadline appears in regulation, as noted, as do the grounds for seeking an extension of the deadline. However, the apparent rule requiring the extension application to be filed before the deadline arises from an order dealing with a specific case and set of facts. There is also some ambiguity in the process for extending the deadline, in that the USAC/SLD website indicates the non-recurring services deadline may be extended automatically or by application. [Attachment 5 to Declaration of Michael Coleman, Exhibit 3]

While legal counsel interprets use of the term "automatic" as referring to an extension of the deadline based on the grounds listed in 47 CFR, Section 54.507(d)(1) or (d)(2), an untrained eye may view this language, especially in light of the announcement of an "automatic extension" of recurring service deadlines, as being also an extension of the non-recurring services deadlines, especially where the untrained eye considers construction progress payments as indications of "recurring" services. This was a mistake of law made by a school district superintendent, not a lawyer, and should be viewed as excusable.

Under California law, a mistake of law may excuse various failures to comply with deadlines. [See, Code of Civil Procedure Section 473, and cases discussing same; for example: An honest mistake of law is a valid ground for granting relief from a default [*Security Truck Line v. Monterey* (1953) 117 Cal.App.2d 441]. Mistake of law is when person knows facts as they really are but has mistaken belief as to legal consequences of those facts [*Hodge Sheet Metal Products v. Palm Springs Riviera Hotel* (1961) 189 Cal.App.2d 653]. An honest mistake of law is a valid ground for relief from default under Code of Civil Procedure Section 473, where a problem is complex and debatable. The controlling factors in determining whether a mistake is excusable are the reasonableness of the misconception and the justifiability of the failure to determine the correct law [*Miller v. City of Hermosa Beach* (1993) 13 Cal.App.4th 1118].] Use of these same concepts is within the discretion of the FCC, which has made such determinations in the past.

In this instance, the District's superintendent suffered a mistaken belief in the legal consequences of known facts. He believed that filing a Form 486 and Notice to Proceed met the implementation deadline and that the reported automatic extension of the implementation deadline for recurring services applied to the District's structured cabling services, which he believed to be "recurring" services. These were honest mistakes, based on mistakes as to the legal consequences of known facts, which are excusable because the misconceptions of law are reasonable and the failures to determine the correct law are justifiable. The District also notes that the USAC website "Glossary of Terms" does not include definitions of either recurring or non-recurring services. [Attachment 4 to Declaration of Michael Coleman, Exhibit 3]

In reliance on those beliefs (including the belief there had been an automatic extension of the implementation deadline), the District brought in a contractor to commence the structured cabling work and to date has paid \$15,000 to go forward with the work. Another \$21,000 in work is in the payment process. The District's discount rate under the Erate program is 90 percent, so the District's limited budget will be required to bear the additional 90 percent of the contracts if the extension and waiver are disallowed. If the District must bear the entire burden of paying for all work for which Erate funding was approved (\$198,612.72), that amount represents about one percent of the District's entire budget and over six percent of its budget reserves for the year.

B. Waivers Are Permitted Where There Is a Showing of Good Cause.

Generally, the Commission's rules may be waived if good cause is shown. [47 CFR, Section 1.3]

A waiver is permissible where particular facts would make strict compliance inconsistent with the public interest. [*AT&T Corp. v. FCC, supra*, 448 F.3d 426 at p. 433]

Where an agency's late-filing of its application is not likely to impede USAC's ability to administer the Erate program, where the violation is procedural, not substantive, a complete rejection of the agency's application is not warranted, especially where there is no evidence of waste, fraud, or abuse of Erate funds or a failure to adhere to core program requirements. [Request for Waiver of Section 54.507 of the Commission's Rules and Review of a Decision of the Universal Service Administrator by Minford Local Schools, File No. SLD 637390, citing "Request for Waiver and Review of Decisions of the Universal Service Administrator by Acorn Public Library District, Oak Forest, IL et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-637819, et al., CC Docket No. 02-6, Order, 23 FCC Rcd 15474, App]

In considering waivers, the Commission should take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. [*WAT Radio v. FCC, supra*, 418 F.2d 1153 at p. 1159]

In the instant case, the District has shown good cause for an extension in that implementation of structured cabling was delayed beyond the implementation deadline for reasons outside the control of either the District or the service provider. The delayed state funding and structural plans dispute delayed construction of the new school for at least eight months, so that the school's construction had not progressed to the point where the project was ready to receive the structured cabling work.

The District's budget would take a significant hit if the discounted services are not funded. Since the plan had always been to open the school for the 2014-2015 school year, and the telecommunications work constitutes an integral part of the operation of the new school, that work must be performed in order to open a viable school.

As shown in the cited *Minford* and *Acorn* orders, the FCC has discretion to waive filing deadlines where USAC's ability to administer the program is not likely to be impeded and the violation is procedural and not substantive. The District's position is the same in this case and the waivers should be granted.

C. The Interpretation of More Restrictive Authority is Inapplicable.

It appears the *NetworkIP* case is one of the more restrictive cases discussing rule waivers by the FCC. In that case, the court noted "... the Commission has authority under its rules, see 47 CFR, Section 1.3, to waive requirements not mandated by statute where strict compliance would not be in the public interest, so long as it articulates identifiable standards for exercising that authority. [*NetworkIP, LLC v. FCC, supra*, 548 F.3d at p. 127]

In the *NetworkIP* case, the FCC and the court were looking to determine who would win and who would lose in a dispute among regulated agencies over the cost burden of "coinless" payphone calls, with the FCC's final decision becoming the rule to be applied in future years. In the context of this dispute, one party missed an appeal filing deadline by days. The FCC's waiver of the deadline was deemed arbitrary and capricious by the court for the absence of "special circumstances." The court said: "In so ruling, we of course do not cast doubt on the FCC's ability to craft and apply exceptions to its procedural rules and filing deadlines; we merely hold that, under the applicable precedents and facts and circumstances of this case, the FCC's decision to waive its filing deadline was arbitrary and capricious." [*NetworkIP, LLC v. FCC, supra*, 548 F.3d at p. 128]

These circumstances are significantly different from the circumstances in the instant case, in that there are not multiple parties fighting over the outcome. A procedural violation occurred, but we understand funding is reserved pending the outcome of this appeal, and this is not a situation involving regulated agencies with the determination to have unlimited future impact, or where one party wins and one party loses. There also seems to be no indication of an impediment to the USAC administration of the Erate program from this waiver; in fact, there appears to be no reason a waiver request in this instance should be treated any differently than the waiver requests in the *Minford* and *Acorn* orders cited above. If, as shown in the *AT&T* case, the FCC can waive the Form 471 filing deadline, clearly a significant point in the Erate program and its funding process, the FCC should be able to waive the implementation

deadline and permit extensions on good cause, and the deadline for filing the extension application which is a rule set by the FCC itself.

Courts make daily determinations as to which case authority to apply and which to reject. This determination is based entirely on the court's view of what is important under the circumstances at hand. The *NetworkIP* court seems to be indicating the FCC is not permitted to do what the court itself does, which is make choices based on what seems to it to be best under the circumstances.

D. Even If the *NetworkIP* Case Rules Did Apply, Those Rules Are Met.

As pointed out in *NetworkIP*, courts must give deference to an agency's decision whether to waive one of its own procedural rules. [*NetworkIP, LLC v. FCC, supra*, 548 F.3d at p. 127, citing *AT&T Corp. v. FCC, supra*, 448 F.3d 426]

The *NetworkIP* court went on to discuss the standards for exercising the power to waive rules, especially deadline rules. Basically, it held that there must be special circumstances, a sufficiently unique situation, in order to approve waiver of a deadline. [*NetworkIP, LCC v. FCC, supra*, 548 F.3d at p. 127]

While it has been argued that the case is distinguishable for a variety of reasons, it is interesting to note the *NetworkIP* court also cited with approval the case of *Keller Communications, Inc. v. FCC* (1997) 130 F.3d 1073, where waiver was permitted because there was a threat to public safety and the regulated party expended thousands of dollars of public funds in reliance on the agency's mistaken grant of its license.

Accordingly, if *NetworkIP* applied to this appeal, it would seem to require special circumstances in addition to the waiver being in the best interests of the public. Interestingly, the *NetworkIP* court actually deferred to the discretion of the FCC on another issue in that same case because ". . . the FCC adequately explained why" it made its decision. [*NetworkIP, LCC v. FCC, supra*, 548 F.3d at p. 128]

The District suggests the FCC may choose to waive application of the deadline for filing a deadline extension request on the basis of "mistake and/or excusable neglect," especially where (1) the mistake is made by a layman in the context of complex, and at times ambiguous, rules applicable to the Erate program, (2) together with the losses to otherwise be incurred by the District if the deadline is not extended, (3) along with the mere 36 days the extension request was tardy, all of which may be viewed by the FCC as establishing "special circumstances" in this case.

The basis of the explanation should be the same as used in the *Minford* and *Acorn* orders, meaning an assessment that USAC's ability to administer the program is not likely to be impeded, the violation is procedural and not substantive, and there is no evidence of waste, fraud, or abuse of Erate funds or a failure to adhere to core program requirements, nor is there any indication anyone will be prejudiced or harmed should the FCC waive the requested deadline rules. Citing all the foregoing as the basis for exercise of its discretion, the FCC would have adequately explained why it made its decision in compliance with the *NetworkIP* standard, if it were applicable.

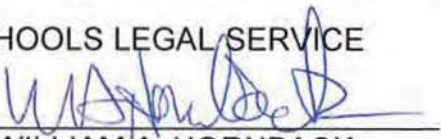
The District requests the FCC make the requested determinations based on the represented circumstances, including that the Erate program should be "user friendly" and not so complex and unyielding as to require either or both legal representation and/or expensive special consultants to prevent applicants from running afoul of the myriad layers of rules, regulations, and orders.

CONCLUSION:

The District has demonstrated good cause for extending the non-recurring services implementation deadline, and for excusing and waiving the extension application deadline. Good cause is shown in that it is in the public interest to fund the FRN's (the District's violation being procedural, not substantive), there is no impediment to USAC's administration of the Erate program and no evidence of fraud, waste, or abuse of Erate funds, or failure to adhere to core program requirements, or harm to anyone else from either the violation or the requested waivers.

The deadline for filing an application for an extension of the non-recurring services implementation deadline, and the implementation deadline itself, should be waived, and the District's deadline extended to September 30, 2014.

SCHOOLS LEGAL SERVICE

By: 
WILLIAM A. HORNBACK
Attorneys for Fairfax School District

WAH/clr

The foregoing Letter of Appeal has been reviewed and is approved for submission on behalf of the Fairfax School District.

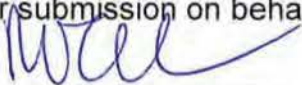

Michael Coleman, Superintendent
Fairfax School District

EXHIBIT 1

Form 471 Nos.	FRN Nos.	Scope of Work	Approved Funding Amount	Vendor Name
848197	2304040	Structured cabling - cabling and associated hardware which provide comprehensive telecommunications infrastructure serving telephone service, data transmission and more through a computer network	\$111,117.12	Pavletich Electric & Communications
848215	2304083	Network electronics - electronic devices connected to the cabling infrastructure allowing for connectivity of the network (examples: hubs, switches, and wireless routers	\$71,722.85	Global CTI Group, Inc.
848221	2304108	Telephony - the system that is plugged into the structured cabling, allowing both internal and external voice communication to the campus	\$37,840.82	Global CTI Group, Inc.

EXHIBIT 2

Administrator's Decision on Implementation Extension Request

February 11, 2014

RECEIVED

FEB 14 2014

Michael Coleman
Fairfax School District
1500 South Fairfax Road
Bakersfield, CA 93307

RE: ELEMENTARY SITE 4

FCC Form 471 Application Number:	See attached
Funding Request Number(s):	See attached
Your Correspondence Dated:	November 5, 2013

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your implementation extension request. This letter explains the basis of USAC's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your request included more than one FCC Form 471 Application, please note that for each application you will receive a separate determination letter.

Decision on Appeal: **Denied in full**

Explanation: Request received after the FCC deadline for Implementation Deadline Extension requests which was 9/30/2013.

In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances.

TO APPEAL THIS DECISION

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.

2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - appellant name
 - applicant and service provider names, if different than appellant
 - applicant BEN and service provider SPIN
 - **<insert application or form number>** as assigned by USAC
 - Funding Request Number(s) (FRNs) you are appealing if provided in the letter
 - **<insert name of the letter and funding year - both are located at the top of the letter>** AND
 - the exact text or the decision that you are appealing.
3. Please keep your letter to the point and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the "Schools and Libraries" section of the USAC website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in "Appeals" in the "Schools and Libraries" section of the USAC website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division
Universal Service Administrative Company

cc: John Pavletich, Pavletich Electric & Communications, Inc.
Kristin Pitts, Global CTI Group, Inc.

471 No.	FRN
848197	2304040
848221	2304108



Universal Service Administrative Company

Schools and Libraries Division

Administrator's Decision on Implementation Extension Request

February 11, 2014

Michael Coleman
Fairfax School District
1500 South Fairfax Road
Bakersfield, CA 93307

RECEIVED

FEB 14 2014

RE: ZEPHYR LANE ELEMENTARY

FCC Form 471 Application Number: 848215
Funding Request Number(s): 2304083
Your Correspondence Dated: November 5, 2013

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 - Funding Request Number(s) (FRNs) you are appealing if provided in the letter
 - **<insert name of the letter and funding year - both are located at the top of the letter>** AND
 - the exact text or the decision that you are appealing.
3. Please keep your letter to the point and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the "Schools and Libraries" section of the USAC website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in "Appeals" in the "Schools and Libraries" section of the USAC website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division
Universal Service Administrative Company

cc: Kristin Pitts, Global CTI Group, Inc.

EXHIBIT 3

**DECLARATION OF MICHAEL COLEMAN
IN SUPPORT OF FCC APPEAL**

I, Michael Coleman, declare:

I am the Superintendent of the Fairfax School District in Kern County, California ("District"), and the following matters are within my personal knowledge unless indicated to be on my information and belief.

I have been employed by the District since July 2005, first as the Assistant Superintendent of Business and in July 2011 I was appointed Superintendent. The focus of the assistant superintendency was changed to educational services at that time, and most business-related matters remained with me. Essentially, I took on the additional duties of Superintendent.

Around July 2007, the District determined it would need a new school and a site on Zephyr Lane was selected. The District intended to construct a new elementary school, Zephyr Lane Elementary, and use the Erate program to help fund installation of structured cabling, network electronics, and telephony systems in the new school.

The District did not have either bonding capacity, sufficient funding, or independent financial resources to follow the usual California school building process or program (which is typically funded 50/50 by the school district and state), so in March 2011 the District submitted a "Hardship Application" which sought full funding of the project from the state. In May 2011, the California State Allocation Board approved the hardship application. In June 2011, the District submitted a funding application for the project based on the approval of the Hardship Application. In October 2011, the project was approved for funding but was placed on the unfunded list.

I believe the delay in funding was due to the economic downturn and fiscal condition of the state of California, and the inability or unwillingness of the state to then sell bonds to finance school construction. Bonds were subsequently sold and the District's project funds apportioned in June 2012, and the state released the funds on October 12, 2012. The first day of construction was October 15, 2012. Attachment 1 to this declaration is a matrix of significant dates.

Since that time, construction has continued on the non-classroom wing portions of the project, but limitations on the hardship funding required use of modular buildings for the classroom wings, which design changes required approval of the plans. Change approvals are obtained through the Division of the State Architect where school construction designs are monitored and approved. The changes to these classroom wings are still being sought as of this date, with the delays having nothing to do with the District's Erate service providers but with an ongoing dispute between the modular building contractor and the structural engineer from DSA. Installation of the structured cabling has continued because the cabling, network, and telephone equipment is

essential to the basic operation of the new school. If the work is not discounted and funded via Erate, the District must go forward and pay the entire cost, even if it places the District's budget at risk for unfunded contingencies, as the school cannot operate safely or adequately without it.

Under the original schedule, the project was to be ready to receive the work of Erate service providers in January 2013, but due to the construction funding delays the project was not ready to receive Erate service provider work until mid-September 2013.

At that time, I believed filing an Erate Form 486 authorizing payments to be made, along with issuance of a Notice to Proceed with the work, was sufficient to meet the implementation deadline. It was not clear to me that the service provider work, which would be paid pursuant to a series of "progress payments" similar to those for the contractors on the construction project, was classified as "non-recurring services" which had to be completed by September 30 of that year.

The USAC website includes information on automatic extension of deadlines. I had seen or heard there had been an automatic extension of the implementation deadline for that Erate year, but I did not understand that extension to apply only to recurring services or that any of the contemplated services were considered non-recurring. I believed there was no need to apply for an extension; I believed that filing the Form 486 authorizing ongoing payments, issuance of a Notice to Proceed, and actual commencement of work was sufficient for services to be provided, and paid for, after the deadline without the need for an extension.

When the District's service provider submitted bills to USAC for payment, the bills were rejected by the Erate program. This was when I first learned that an application for an extension was required. The District applied for the extension on November 5, 2013; the District's application was denied by letter dated February 11, 2014. Work on the project has continued, with the contractor billing and the District paying the amount of \$15,132.71 so far. The work must continue and be paid for by the District as the telecommunications capabilities are essential for the operation of the new school. We still hope to open the school at the start of the 2014-15 school year.

The District does not have sufficient funding to be able to afford an Erate consultant or to hire additional staff to help with business, including Erate matters, and those duties fall on me, as does the District's oversight of the Construction Manager and construction project, and the myriad of other duties normally falling on the Superintendent of a small (2,300+/- enrollment) school district. I have some, limited, Erate experience from prior funding years.

The amount at risk in this appeal, \$198,612.72, represents at least one percent of the District's entire annual budget, and over six percent of its budget reserves. If the District is not successful in this appeal and has to pay the entire cost of the service

providers' services and equipment costs, the District's budget will be severely stressed and programs may have to be cut to ensure the District's fiscal solvency.

True and correct copies of the following are attached to this Declaration:

Attachment A:	A matrix of event timing
Attachment B:	The June 2012 project funding approval
Attachment C:	The October 2012 funding appropriation
Attachment D:	The "Glossary of Terms" from the USAC website
Attachment E:	Pages from the USAC website on automatic extensions of deadlines
Attachment F:	District's November 5, 2013, request for extension of the implementation deadline

I declare under penalty of perjury under the laws of the United States of America and the state of California that the foregoing is true and correct and that this Declaration was executed on April 9, 2014, at Bakersfield, California.



MICHAEL COLEMAN

ATTACHMENT A

Fairfax School District

Log of Activities for State Funding of Elementary #4

Date	Activity
3/1/2011	District Submits Application for Financial Hardship Funding for Project
5/27/2011	State Approved Financial Hardship for Funding (100% State Funding)
6/1/2011	District Submits to State Funding Application for Project (Cannot submit funding app until FH is approved)
10/26/2011	State Allocation Board Approves Project for Funding, but cannot sell bonds to release funds due to economic conditions in the State -Project placed on Unfunded List
1/5/2012	District requests priority funding from next State bond sale
1/18/2012	District submits 470 for internal connections
2/1/2012	Decision to change from stick built instructional wings to modular due to projected under funding from the State.
3/3/2012	USAC 471 acknowledgment
4/1/2012	Public Bidding for modular classrooms
6/27/2012	State sells bonds and Apportions Funds
8/31/2012	District Awards Construction Contract - required before State funds are released to District - Excluding Instructional Wings
9/20/2012	Global modular awarded design contract for modular classroom wings.
10/12/2012	State Releases Funds to Construct Project
10/15/2012	First date of contruction activities for the new school
1/29/2013	USAC issues FCDL for structured cabeling

RED: ERATE related dates

BLUE: DSA related dates

BLACK: Funding & General Construction dates

8 month delay in funding of school site.

2/5/2013	USAC issues FCDL for network electronics & telephony
2/19/2013	1st DSA drawing submitted from Global to OMA
3/11/2013	Initial Submission of Change Order - Modular Classrooms to DSA
3/13/2013	DSA Tracker Received date
3/14/2013	ASI #18 to the initial project contractors to make the change from stick built to modulars
4/10/2013	Global received intake comments
4/15/2013	DSA returned original submission for Modular Change Order as not accepted
4/24/2013	Global 2nd DSA drawing submittal to OMA reflecting intake comments
4/24/2013	Submission (#2) / <u>Official Plan Submittal #01</u> - response to Intake issues, to DSA
4/24/2013	DSA Tracker Complete Submittal Received
5/15/2013	USAC issues form 486 - Vendors may bill for services
6/11/2013	DSA returned ACS Check Set #01 with Red-Lines for correction
6/15/2013	Global received DSA Access comments from OMA
6/19/2013	DSA returned FLS Check Set #01 with Red-Lines for correction
6/24/2013	Meeting at DSA with Humphrey and all his supervisors on 6/24/2013 to discuss this issue and let them know of the urgency of the project and were told that we needed to do a CCD to omit the stick built buildings first, and also told DSA would work with us to get this through and that Wei Tsu Liu would be our point man at DSA. But Richard Osnaya told me he does not take orders from Wei Tsu Liu.
6/24/2013	Global received DSA FLS comments from OMA
7/5/2013	DSA returned SSS Check Set #01 with Red-Lines for correction
7/16/2013	Global received DSA SSS comments from OMA
7/24/2013	Notice to Proceed Issued to Paveltich Electronics (Structured Cabling)

RED: ERATE related dates

BLUE: DSA related dates

BLACK: Funding & General Construction dates

8/14/2013	Global 3rd DSA Drawing submittal to OMA with responses to comments
8/30/2013	Submission (#3) / Submittal #02 – Returned plan submittal with all Red-Lines addressed to ACS, FLS, & SSS
9/6/2013	DSA returned ACS Check Set #01 & Submittal #03 – ACS ready for back-check
9/10/2013	DSA returned FLS Check Set #01 & Submittal #03 – FLS ready for back-check
9/19/2013	First possible date that ERATE structured cabling could be performed on Building F of new site.
9/30/2013	USAC deadline for Installation of non-recurring services
10/3/2013	Global Meeting at DSA with Structural Engineer
10/3/2013	DSA FLS & Access states ready for back check
10/16/2013	Structured Cabling Vendor submits first of recurring progress payments to district and ERATE
10/21/2013	Global sends revised structural calculation to DSA
10/31/2013	USAC rejects vendor progress payment due to "missed deadline" for one-time services
11/5/2013	District submits appeal to USAC (Case #22-559600)
11/13/2013	DSA returned SSS Check Set #01 & Check Set #02 with Red-Lines for correction
11/14/2013	Global meets with OMA & Colombo to review SSS comments
11/27/2013	Global sends 4th DSA drawing submittal to OMA with response to comments.
12/9/2013	Submission (#4) / Submittal #03 – Returned plan submittal to SSS for re-review
12/16/2013	DSA SSS emailed requesting corrected information
12/18/2013	Asked Senator Vidak to help with slowness of DSA
12/23/2013	Submitted supplemental information requested by SSS for Submittal #04
1/9/2014	Global second meeting at DSA with structural engineer and received written comments

12 month delay by State Architect in approving Modular change order. Still has not been approved.

4 weeks for DSA to respond.

1/9/2014	DSA returned SSS Check Set #01, #02 & #03 with Red-Lines for correction
1/16/2014	Global receives SSS marked up comments from OMA
1/29/2014	Global meets with OMA, Colombo, and structural engineer to review SSS comments and write responses.
2/4/2014	Global submits 5th DSA drawing submittal to OMA with response letter.
2/4/2014	Submitted revised DSA-1 application as instructed by DSA
2/5/2014	Submission (#5) / Submittal #04 – Returned plan submittal to SSS for re-review
2/11/2014	Appeal denial letter received from USAC
2/24/2014	First possible date that ERATE structured cabling could be performed on Building B of new site.
3/24/2014	DSA returned SSS Check sets #01, #02, #03 & #04 with Red-Lines for correction

RED: ERATE related dates

BLUE: DSA related dates

BLACK: Funding & General Construction dates

7 weeks for DSA to respond? (Retaliate for senator?)

ATTACHMENT B

SCHOOL DISTRICT DATA

Application No: 50/63461-00-006
 School District: Fairfax Elementary

County: Kern
 School Name: New Elementary School #4

PROJECT DATA

Type of Project: Elementary School
 K-6: 775
 7-8:
 9-12:
 Non-Severe:
 Severe:
 Application Filing Basis: District Wide
 Number of Classrooms: 31
 Master Acres: 14.3
 Existing Acres:
 Proposed Acres: 13.51
 Recommended Acres: 14.3
 Facility Hardship (a): No
 Financial Hardship Requested: Yes
 Alternative Education School: No
 Addition to Existing Site: No
 Core Facilities: Multi-Purpose/Kitchen,
 Library/Media Center,
 Administration, Toilet

ADJUSTED GRANT DATA

New Construction Grant	\$ 7,061,800.00
Project Assistance	5,498.00
Fire Detection Alarm	8,525.00
Sprinkler System	118,575.00
Labor Compliance	48,790.00
High Performance (3.31%)	233,746.00
Service Site	897,032.00
Off-Site	406,957.00
Utilities	110,285.00
General Site	631,390.00
Total State Share (50%)	9,522,598.00
District Share (50%)	9,522,598.00
Total Project Cost	\$ 19,045,196.00

PROJECT FINANCING

State Share	
This Project	\$ 9,522,598.00
District Share	
Cash Contribution	943,669.00
Financial Hardship	8,578,929.00
Total Project Cost	\$ 19,045,196.00

HISTORY OF PROJECT COST AND APPORTIONMENT

	Fund Code	Proposition	Previously Authorized	Authorized This Action	Unfunded Approval This Action
State Share					
New Construction/Add. Grant	955-500	55	\$	\$ 9,288,852.00	\$ 9,288,852.00
High Performance	957-700	1D		233,746.00	233,746.00
District Share					
Cash Contribution				943,669.00	
Financial Hardship	955-500	55		8,578,929.00	8,578,929.00
Total			\$	\$ 19,045,196.00	\$ 18,101,527.00

Funding Sources: Proposition 55 Bonds/2004-Mar.; Proposition 1D Bonds/2006-Nov.

Pursuant to the Board's action on March 11, 2009, this application has been approved and placed on the Unfunded List.

This approval does not constitute a guarantee or commitment of future State funding.

Amounts shown for financial hardship assistance are subject to adjustment as a result of a review of the District's financial records pursuant to Regulation Section 1859.81(a) at the time of apportionment.

The District shall ensure that it is in compliance with all applicable laws, regulations and certifications it made on the program forms.

The District has certified it is enforcing a Labor Compliance Program (LCP). Please be advised this project has been apportioned with funds that require a LCP pursuant to Labor Code Section 1771.7.

STATE ALLOCATION BOARD

APPROVAL ❖ ❖ ❖

October 26, 2011

ATTACHMENT C

SCHOOL DISTRICT DATA			
Application No:	50/63461-00-006	County:	Kern
School District:	Fairfax Elementary	School Name:	New Elementary School #4
PROJECT DATA		ADJUSTED GRANT DATA	
Type of Project:	Elementary School	New Construction Grant	\$ 7,061,800.00
K-6:	775	Project Assistance	5,498.00
7-8:		Fire Detection Alarm	8,525.00
9-12:		Sprinkler System	118,575.00
Non-Severe:		Labor Compliance	48,790.00
Severe:		High Performance (3.31%)	233,746.00
Application Filing Basis:	District Wide	Service Site	897,032.00
Number of Classrooms:	31	Off-Site	406,957.00
Master Acres:	14.3	Utilities	110,285.00
Existing Acres:		General Site	631,390.00
Proposed Acres:	13.51	Total State Share (50%)	9,522,598.00
Recommended Acres:	14.3	District Share (50%)	9,522,598.00
Facility Hardship (a):	No	Total Project Cost	\$ 19,045,196.00
Financial Hardship Requested:	Yes		
Alternative Education School:	No		
Addition to Existing Site:	No		
Core Facilities:	Multi-Purpose/Kitchen, Library/Media Center, Administration, Toilet		

PROJECT FINANCING	
<u>State Share</u>	
This Project	\$ 9,522,598.00
<u>District Share</u>	
Cash Contribution	1,417,157.00
Financial Hardship	8,105,441.00
Total Project Cost	\$ 19,045,196.00

HISTORY OF PROJECT COST AND APPORTIONMENT					
	Fund Code	Proposition	Previously Authorized	Authorized This Action	State Apportionment This Action
<u>State Share</u>					
New Construction/Add. Grant	955-500	55	\$ 9,288,852.00	\$ (9,288,852.00)	
New Construction/Add. Grant	055-500	55		9,288,852.00	\$ 9,288,852.00
High Performance	957-700	1D	233,746.00	(233,746.00)	
High Performance	057-700	1D		233,746.00	233,746.00
<u>District Share</u>					
Cash Contribution			943,669.00	473,488.00	
Financial Hardship	955-500	55	8,578,929.00	(8,578,929.00)	
Financial Hardship	055-500	55		8,105,441.00	8,105,441.00
Total			\$ 19,045,196.00	\$ 0.00	\$ 17,628,039.00

Funding Sources: Proposition 55 Bonds/2004-Mar.; Proposition 1D Bonds/2006-Nov.

Pursuant to the Board's action on June 27, 2012 the District is required to submit a complete Fund Release Authorization (Form SAB 50-05) on or before September 25, 2012; otherwise, the apportionment will be rescinded without further Board action and will receive a new Unfunded Approval date of September 25, 2012.

The Form SAB 50-05 submittal must contain an original signature from a designated District Representative and must be physically received by the Office of Public School Construction at 707 Third Street, West Sacramento, CA 95605 prior to the close of business on September 25, 2012.

The District has certified it is enforcing a Labor Compliance Program (LCP). Please be advised this project has been apportioned with funds that require a LCP pursuant to Labor Code Section 1771.7.

Amounts shown for financial hardship assistance are subject to adjustment as a result of a review of the District's financial records pursuant to Regulation Section 1859.81(a) at the time of apportionment.

The District shall ensure that it is in compliance with all applicable laws, regulations and certifications it made on the program forms.

Attachment F
Unfunded Approvals as of April 25, 2012

Priority Funding Apportionments

SCHOOL FACILITY PROGRAM
State Allocation Board Meeting June 27, 2012

County	School District	Application Number	Program	Approval	Received Date	SAB Unfunded Approval	Financial Handicap Apportionment	Loan	State Share	Total Apportionment	Cumulative Amount	Prop. 1A	Prop. 47	Prop. 55	Prop. 1D	Submitted Certification Letter January 2012
STANISLAUS	PATTERSON JOINT UNIFIED	57/71217-00-013	Modernization	G	5/23/2011	8/24/2011	645,010.00	0.00	1,297,387.00	1,942,397.00	730,374,097.54	0.00	0.00	0.00	1,942,397.00	Yes
STANISLAUS	PATTERSON JOINT UNIFIED	57/71217-00-014	Modernization	G	5/23/2011	8/24/2011	1,710,351.00	0.00	3,246,057.00	4,956,408.00	735,330,505.54	0.00	0.00	0.00	4,956,408.00	Yes
VENTURA	OAK PARK UNIFIED	57/73874-00-003	Modernization	G	5/27/2011	8/24/2011	0.00	0.00	2,764,187.00	2,764,187.00	736,094,692.54	0.00	0.00	0.00	2,764,187.00	Yes
TULARE	PALO VERDE UNION ELEMENTARY	50/72033-00-002	New Construction	G	6/1/2011	8/24/2011	3,889,615.00	0.00	3,916,390.00	7,806,005.00	745,900,697.54	0.00	0.00	7,374,245.00	431,759.00	Yes
KERN	KERN HIGH	57/63529-00-009	Modernization	G	8/22/2011	12/14/2011*	0.00	0.00	5,530,825.00	5,530,825.00	751,431,522.54	0.00	0.00	0.00	5,530,825.00	Yes
LOS ANGELES	LOS ANGELES UNIFIED	50/64733-00-059	New Construction	L	6/26/2002	9/28/2011	0.00	0.00	6,129,601.00	6,129,601.00	757,561,123.54	0.00	6,129,601.00	0.00	0.00	Yes
SAN DIEGO	SAN DIEGO COUNTY OFFICE OF EDUCATION	50/10371-00-002	New Construction	L	11/23/2005	9/28/2011	0.00	0.00	1,054.00	1,054.00	757,562,177.54	0.00	0.00	1,054.00	0.00	Yes
ORANGE	GARDEN GROVE UNIFIED	57/66522-00-032	Modernization	G	6/10/2011	9/28/2011	0.00	0.00	1,400,071.00	1,400,071.00	758,962,248.54	0.00	0.00	0.00	1,400,071.00	No
ORANGE	GARDEN GROVE UNIFIED	57/66522-00-033	Modernization	G	6/10/2011	9/28/2011	0.00	0.00	2,210,230.00	2,210,230.00	761,172,478.54	0.00	0.00	0.00	2,210,230.00	No
ORANGE	GARDEN GROVE UNIFIED	57/66522-00-034	Modernization	G	6/10/2011	9/28/2011	0.00	0.00	2,931,625.00	2,931,625.00	764,104,103.54	0.00	0.00	0.00	2,931,625.00	No
ORANGE	GARDEN GROVE UNIFIED	57/66522-00-035	Modernization	G	6/10/2011	9/28/2011	0.00	0.00	4,779,993.00	4,779,993.00	768,884,096.54	0.00	0.00	0.00	4,779,993.00	No
ORANGE	GARDEN GROVE UNIFIED	57/66522-00-036	Modernization	G	6/10/2011	9/28/2011	0.00	0.00	2,970,292.00	2,970,292.00	771,854,388.54	0.00	0.00	0.00	2,970,292.00	No
LOS ANGELES	ROWLAND UNIFIED	57/73452-00-073	Modernization	G	6/14/2011	9/28/2011	0.00	0.00	4,772,534.00	4,772,534.00	776,626,922.54	0.00	0.00	0.00	4,772,534.00	Yes
SACRAMENTO	SACRAMENTO CITY UNIFIED	57/67439-00-073	Modernization	G	6/14/2011	9/28/2011	0.00	0.00	3,218,745.00	3,218,745.00	779,845,667.54	0.00	0.00	0.00	3,218,745.00	Yes
SAN MATEO	SEQUOIA UNION HIGH	50/69062-01-002	New Construction	G	6/15/2011	9/28/2011	0.00	0.00	8,863,487.00	8,863,487.00	788,709,154.54	0.00	0.00	8,704,597.00	158,890.00	Yes
SAN MATEO	SEQUOIA UNION HIGH	50/69062-02-001	New Construction	G	6/15/2011	9/28/2011	0.00	0.00	1,916,349.00	1,916,349.00	790,625,503.54	0.00	0.00	1,916,349.00	0.00	Yes
CONTRA COSTA	WEST CONTRA COSTA UNIFIED	57/61796-00-036	Modernization	G	6/15/2011	9/28/2011	0.00	0.00	4,943,977.00	4,943,977.00	795,569,480.54	0.00	0.00	0.00	4,943,977.00	Yes
CONTRA COSTA	WEST CONTRA COSTA UNIFIED	57/61796-00-037	Modernization	G	6/15/2011	9/28/2011	0.00	0.00	6,655,867.00	6,655,867.00	802,225,347.54	0.00	0.00	0.00	6,655,867.00	Yes
SAN FRANCISCO	SAN FRANCISCO UNIFIED	57/68478-13-001	Modernization	G	6/15/2011	9/28/2011	0.00	0.00	2,794,173.00	2,794,173.00	805,019,520.54	0.00	0.00	0.00	2,794,173.00	Yes
ORANGE	GARDEN GROVE UNIFIED	57/66522-00-037	Modernization	G	6/27/2011	9/28/2011	0.00	0.00	1,965,242.00	1,965,242.00	806,984,762.54	0.00	0.00	0.00	1,965,242.00	No
ORANGE	GARDEN GROVE UNIFIED	57/66522-00-038	Modernization	G	6/27/2011	9/28/2011	0.00	0.00	2,610,868.00	2,610,868.00	809,595,630.54	0.00	0.00	0.00	2,610,868.00	No
ORANGE	GARDEN GROVE UNIFIED	57/66522-00-039	Modernization	G	6/27/2011	9/28/2011	0.00	0.00	2,347,623.00	2,347,623.00	811,943,253.54	0.00	0.00	0.00	2,347,623.00	No
ORANGE	GARDEN GROVE UNIFIED	57/66522-00-040	Modernization	G	6/27/2011	9/28/2011	0.00	0.00	2,804,069.00	2,804,069.00	814,747,322.54	0.00	0.00	0.00	2,804,069.00	No
MADERA	BASS LAKE JOINT UNION ELEMENTARY	57/65185-00-008	Modernization	G	6/28/2011	9/28/2011	0.00	0.00	491,930.00	491,930.00	815,239,252.54	0.00	0.00	0.00	491,930.00	Yes
SAN FRANCISCO	SAN FRANCISCO UNIFIED	57/68478-00-038	Modernization	G	6/30/2011	9/28/2011	0.00	0.00	1,522,657.00	1,522,657.00	816,761,909.54	0.00	0.00	0.00	1,522,657.00	Yes
SAN FRANCISCO	SAN FRANCISCO UNIFIED	57/68478-00-040	Modernization	G	6/30/2011	9/28/2011	0.00	0.00	2,409,525.00	2,409,525.00	819,171,434.54	0.00	0.00	0.00	2,409,525.00	Yes
FRESNO	AMERICAN UNION ELEMENTARY	57/62000-00-001	Modernization	G	7/1/2011	9/28/2011	329,751.00	0.00	502,659.00	832,410.00	820,003,844.54	0.00	0.00	0.00	832,410.00	Yes
MADERA	MADERA UNIFIED	50/65243-00-008	New Construction	L	9/22/2006	10/26/2011	0.00	0.00	408.00	408.00	820,004,252.54	0.00	0.00	408.00	0.00	Yes
BUTTE	CHICO UNIFIED	55/61424-00-002	Career Tech New Construction	G	6/6/2008	10/26/2011	0.00	0.00	3,000,000.00	3,000,000.00	823,004,252.54	0.00	0.00	0.00	3,000,000.00	Yes
CONTRA COSTA	PITTSBURG UNIFIED	59/61788-00-001	Career Tech Rehabilitation	G	2/26/2010	10/26/2011	0.00	0.00	1,409,655.00	1,409,655.00	824,413,907.54	0.00	0.00	0.00	1,409,655.00	No
SAN BERNARDINO	RIALTO UNIFIED	55/67850-00-001	Career Tech New Construction	G	3/3/2010	10/26/2011	0.00	0.00	1,928,792.00	1,928,792.00	826,342,699.54	0.00	0.00	0.00	1,928,792.00	Yes
SANTA CLARA	CAMPBELL UNION HIGH	55/69401-00-007	Career Tech New Construction	G	3/8/2010	10/26/2011	0.00	0.00	625,964.00	625,964.00	826,968,663.54	0.00	0.00	0.00	625,964.00	No
SANTA CLARA	CAMPBELL UNION HIGH	59/69401-00-001	Career Tech Rehabilitation	G	3/8/2010	10/26/2011	0.00	0.00	1,003,238.00	1,003,238.00	827,971,901.54	0.00	0.00	0.00	1,003,238.00	No
SANTA CLARA	CAMPBELL UNION HIGH	59/69401-00-002	Career Tech Rehabilitation	G	3/8/2010	10/26/2011	0.00	0.00	610,353.00	610,353.00	828,582,254.54	0.00	0.00	0.00	610,353.00	No
SAN DIEGO	SAN DIEGO UNIFIED	55/68338-00-002	Career Tech New Construction	G	3/22/2010	10/26/2011	0.00	0.00	986,812.00	986,812.00	829,569,066.54	0.00	0.00	0.00	986,812.00	No
SAN DIEGO	SAN DIEGO UNIFIED	59/68338-00-001	Career Tech Rehabilitation	G	3/22/2010	10/26/2011	0.00	0.00	1,427,767.00	1,427,767.00	830,996,833.54	0.00	0.00	0.00	1,427,767.00	No
SAN JOAQUIN	MANTECA UNIFIED	55/68593-00-004	Career Tech New Construction	G	3/22/2010	10/26/2011	0.00	0.00	2,253,216.00	2,253,216.00	833,250,049.54	0.00	0.00	0.00	2,253,216.00	No
KERN	KERN HIGH	59/63529-00-020	Career Tech Rehabilitation	G	3/24/2010	10/26/2011	0.00	0.00	826,720.00	826,720.00	834,076,769.54	0.00	0.00	0.00	826,720.00	No
KERN	KERN HIGH	59/63529-00-029	Career Tech Rehabilitation	G	3/24/2010	10/26/2011	0.00	0.00	723,188.00	723,188.00	834,799,957.54	0.00	0.00	0.00	723,188.00	No
CONTRA COSTA	SAN RAMON VALLEY UNIFIED	55/61804-00-006	Career Tech New Construction	G	3/25/2010	10/26/2011	0.00	0.00	412,085.00	412,085.00	835,212,042.54	0.00	0.00	0.00	412,085.00	No
SAN JOAQUIN	STOCKTON UNIFIED	55/68676-00-002	Career Tech New Construction	G	3/29/2010	10/26/2011	0.00	0.00	3,000,000.00	3,000,000.00	838,212,042.54	0.00	0.00	0.00	3,000,000.00	No
RIVERSIDE	BEAUMONT UNIFIED	59/69593-00-001	Career Tech Rehabilitation	G	3/30/2010	10/26/2011	0.00	0.00	1,335,796.00	1,335,796.00	839,547,838.54	0.00	0.00	0.00	1,335,796.00	No
SAN MATEO	SEQUOIA UNION HIGH	55/69662-00-004	Career Tech New Construction	G	3/30/2010	10/26/2011	0.00	0.00	2,073,405.00	2,073,405.00	841,621,243.54	0.00	0.00	0.00	2,073,405.00	No
SAN MATEO	SEQUOIA UNION HIGH	55/69662-00-006	Career Tech New Construction	G	3/30/2010	10/26/2011	0.00	0.00	3,000,000.00	3,000,000.00	844,621,243.54	0.00	0.00	0.00	3,000,000.00	No
SUTTER	YUBA CITY UNIFIED	59/71464-00-001	Career Tech Rehabilitation	G	3/30/2010	10/26/2011	0.00	0.00	839,622.00	839,622.00	845,460,865.54	0.00	0.00	0.00	839,622.00	No
SAN BERNARDINO	COLTON-REDLANDS-YUCAIPA ROP	59/74138-00-015	Career Tech Rehabilitation	G	3/30/2010	10/26/2011	0.00	0.00	2,050.00	2,050.00	845,462,915.54	0.00	0.00	0.00	2,050.00	No
FRESNO	KINGS CANYON JOINT UNIFIED	55/62265-00-002	Career Tech New Construction	G	4/1/2010	10/26/2011	0.00	0.00	3,000,000.00	3,000,000.00	848,462,915.54	0.00	0.00	0.00	3,000,000.00	No
LOS ANGELES	LOS ANGELES UNIFIED	55/64733-00-009	Career Tech New Construction	G	4/1/2010	10/26/2011	0.00	0.00	1,225,266.00	1,225,266.00	849,688,181.54	0.00	0.00	0.00	1,225,266.00	No
LOS ANGELES	LOS ANGELES UNIFIED	55/64733-00-011	Career Tech New Construction	G	4/1/2010	10/26/2011	0.00	0.00	2,413,880.00	2,413,880.00	852,102,061.54	0.00	0.00	0.00	2,413,880.00	No
NAPA	NAPA VALLEY UNIFIED	55/66266-00-002	Career Tech New Construction	G	4/1/2010	10/26/2011	0.00	0.00	465,127.00	465,127.00	852,567,188.54	0.00	0.00	0.00	465,127.00	Yes
LOS ANGELES	ARCADIA UNIFIED	59/64261-00-001	Career Tech Rehabilitation	G	4/1/2010	10/26/2011	0.00	0.00	470,962.00	470,962.00	853,038,150.54	0.00	0.00	0.00	470,962.00	Yes
LOS ANGELES	LOS ANGELES UNIFIED	59/64733-00-007	Overcrowding Relief Grant	G	10/29/2010	10/26/2011	0.00	0.00	9,865,647.00	9,865,647.00	862,703,797.54	0.00	0.00	0.00	9,865,647.00	Yes
CALAVERAS	BRET HARTE UNION HIGH	50/61556-00-002	New Construction	G	7/6/2011	10/26/2011	0.00	0.00	2,059,263.00	2,059,263.00	864,763,060.54	0.00	0.00	2,059,263.00	0.00	Yes
VENTURA	MUPO ELEMENTARY	57/72504-00-001	Modernization	G	7/7/2011	10/26/2011	248,454.00	0.00	372,680.00	621,134.00	865,384,194.54	0.00	0.00	0.00	621,134.00	Yes
ORANGE	GARDEN GROVE UNIFIED	57/66522-00-041	Modernization	G	7/11/2011	10/26/2011	0.00	0.00	3,892,319.00	3,892,319.00	869,276,513.54	0.00	0.00	0.00	3,892,319.00	No
SAN BERNARDINO	RIM OF THE WORLD UNIFIED	57/67868-00-005	Modernization	G	7/11/2011	10/26/2011	0.00	0.00	3,078,675.00	3,078,675.00	872,355,188.54	0.00	0.00	0.00	3,078,675.00	No
ORANGE	GARDEN GROVE UNIFIED	57/66522-00-042	Modernization	G	7/12/2011	10/26/2011	0.00	0.00	1,988,470.00	1,988,470.00	874,343,658.54	0.00	0.00	0.00	1,988,470.00	No
SAN BERNARDINO	RIM OF THE WORLD UNIFIED	57/67868-00-006	Modernization	G	7/13/2011	10/26/2011	0.00	0.00	3,551,502.00	3,551,502.00	877,895,160.54	0.00	0.00	0.00	3,551,502.00	No
KERN	FAIRFAX ELEMENTARY	50/63461-00-006	New Construction	G	7/14/2011	10/26/2011	8,105,441.00	0.00	9,522,598.00	17,628,039.00	895,					

ATTACHMENT D

Schools and Libraries Acronyms and Terms

Acronym/Term	Description
1st Demand Letter	The initial letter sent by USAC to recover funds from applicants or service providers who have committed program rule violations.
2nd Demand Letter	A follow-up letter to a 1st Demand Letter sent by USAC in an attempt to recover funds from applicants or service providers who have committed program rule violations.
Allowable Contract Date (ACD)	The Allowable Vendor Selection/Contract Date is commonly referred to as Allowable Contract Date (ACD). The ACD is the earliest date that an applicant can sign a contract for contracted services or enter into an arrangement for tariffed (T) or month-to-month (MTM) services with a service provider. This date is always 28 days from the posting of the FCC Form 470 and/or the public availability of the RFP (if one is issued), whichever is later.
alternative discount mechanisms	Schools that choose not to use the National School Lunch Program (NSLP) participation numbers to calculate their E-rate discounts may use certain federally-approved alternative mechanisms instead. These alternative discount mechanisms are not less stringent than the same measure of poverty established for the NSLP.
appeal	An appeal is a request to reconsider a USAC decision. Appeals can be made to either USAC or the FCC. Appeals must be filed within 60 days of the original USAC decision. Requests for waivers of rules must be filed directly with the FCC.
applicant	A school, library, consortium or other entity that files one or more program forms.
audit	A review of documentation and resources that verify the state of compliance with program rules.
Basic Maintenance of Internal Connections	The "Basic Maintenance of Internal Connections" section of the ESL covers the repair and upkeep of eligible products. Eligible repair and upkeep services include hardware, wire, and cable maintenance, along with basic technical support and configuration changes. The products must be eligible for discounts in order for their associated repair and upkeep services to be eligible.

Acronym/Term	Description
basic terminating component	A basic terminating component, which is normally located on a customer's premises, is necessary to receive an end-to-end service because it provides translation of the digital transmission using the appropriate protocols. Equipment such as channel service unit/data service units (CSU/DSUs), network interface devices, cable modems, and gateways are considered basic terminating components.
BEAR – FCC Form 472	See FCC Form 472.
BEAR Notification Letter	A BEAR (FCC Form 472) Notification Letter is sent to the service provider and the applicant after a BEAR Form has been processed by USAC.
bid	A response from a service provider (bidder) to an FCC Form 470 and/or RFP.
Billed Entity Number (BEN)	The unique number assigned by USAC to each billed entity (school, library, or consortium) that pays for services. See also "entity number."
Block 4	The FCC Form 471 is divided into six blocks. In a Block 4 worksheet, the applicant lists the entities receiving services and establishes the appropriate discount level.
Block 5 (funding request)	The FCC Form 471 is divided into six blocks. In a Block 5 funding request, the applicant provides details about services requested including service provider, category of service, and cost.
Children's Internet Protection Act (CIPA)	A law that mandates certain Internet safety policy and filtering requirements for recipients of E-rate discounts for services other than telecommunications services.
Client Service Bureau (CSB)	A helpline available to assist applicants and service providers. You can reach the helpline by visiting usac.org and clicking on "Submit a Question." You can also fax us toll free at (888) 276-8736, or call us toll free at (888) 203-8100.
Commitment Adjustment (COMAD)	The process by which a funding commitment is reduced because of program rule violations.
Commitment Adjustment Letter (CAL)	This letter notifies both the applicant and the service provider of a COMAD. It contains a Funding Commitment Report which lists the Funding Request Numbers (FRNs) affected by the COMAD.

Schools and Libraries Acronyms and Terms

Acronym/Term	Description
common carrier	A common carrier can be either an organization recognized by a regulatory authority (such as a state public utility commission) to provide telecommunications services to all requesting parties or an organization that holds itself out to provide such services generally to the public for a fee.
Community Eligibility Option (CEO)	An alternative provision to the normal requirements for annual determinations of eligibility for free and reduced price meals under the National School Lunch Program.
competitive bidding process	A requirement of participating in the Rural Health Care or Schools and Libraries programs, this process must be a fair and open competitive procurement. The applicant selects a service provider and orders products or services.
consortium	A consortium (plural consortia) is a group of entities that band together for administrative efficiency or to obtain bulk pricing when applying for E-rate funding.
consultant	A company or individual (non-employee of the entity) selected to perform certain activities on behalf of the applicant or service provider for a fee. A Letter of Agency (LOA) or consultant agreement must be in place before the consultant undertakes these activities.
Contract Award Date (CAD)	The date a contract is awarded to the service provider and signed by the applicant. Program rules state that this must be at least 28 days after an applicant posts an FCC Form 470.
Contract Expiration Date (CED)	The date the contract between the applicant and service provider ends.
Data Retrieval Tool (DRT)	A web-based USAC tool used to access information related to applications, funding commitments, and disbursements.
demarcation or demarc	A demarcation refers to the point where a service provider's network ends and where an applicant's local area network (LAN) begins.
discount	The discount on E-rate eligible services for an entity or group of entities ranges from a low of 20 percent to a high of 90 percent and is based on a measure of poverty and urban/rural status.

Schools and Libraries Acronyms and Terms

Acronym/Term	Description
Educational Service Agency (ESA)	A regional public multi-service agency authorized by state statute to develop, manage, and provide services or programs to its component school districts. In some states, ESAs are called Educational Service Units (ESUs), Local Educational Agencies (LEAs), Board of Cooperative Educational Services (BOCES), or other similar designations.
eligible entity	An elementary and/or secondary that meets the definition found in the No Child Left Behind Act of 2001, 20 U.S.C. Section 7801(18) and (38), or a library or library consortium that meets the definition found in the Library Services and Technology Act (LSTA), 20 U.S.C. Section 9121 et seq., (1996) and is eligible for assistance from a state library administrative agency under that Act.
eligible services	Products and services that are eligible for E-rate support. Eligible Services are divided into two priorities and four categories: Priority 1 includes telecommunications services, Internet access and telecommunications; Priority 2 includes Internal Connections and Basic Maintenance of Internal Connections.
Eligible Services List (ESL)	An FCC-released annual list of the products and services approved for funding by the FCC under the Schools and Libraries Program. The FCC seeks public comment on this list every year.
end-user equipment	Equipment located on school or library premises which staff members would use to access phone and/or Internet services: e.g., telephone handsets, cell phones, computers, and fax machines. End-user equipment is not eligible for E-rate discounts.
entity number	The unique number assigned by USAC to an entity that participates in the Schools and Libraries (E-rate) Program.
E-rate	The common term used in place of the Schools and Libraries Program. E-rate provides discounts to schools and libraries for eligible products and services.
FCC Form 470	The Description of Services Requested and Certification Form is filed by schools and libraries to request services and establish eligibility. The completed form is posted to USAC's website for potential bidders to review, which opens the competitive bidding process for services eligible for discounts under the Schools and Libraries (E-rate) Program.

Acronym/Term	Description
FCC Form 471	The Services Ordered and Certification Form is filed by applicants to report services ordered and discounts requested for those services.
FCC Form 471 Filing Window	The period generally between mid-November and mid-February, (prior to the start of the funding year) when forms filed are treated as having been received on the same day and are considered for funding before any other forms filed after the window closes.
FCC Form 472 (BEAR)	The Billed Entity Applicant Reimbursement (BEAR) Form is filed by the applicant after paying for services in full to request reimbursement for the discount on those services.
FCC Form 473 (SPAC)	The Service Provider Annual Certification (SPAC) Form is filed annually by the service provider to certify that the service provider will follow program rules and guidelines. This form must be filed before USAC will pay invoices.
FCC Form 474 (SPI)	The Service Provider Invoice (SPI) Form is filed by the service provider to request reimbursement for discounts already provided to billed entities on customer bills.
FCC Form 486	The Receipt of Service Confirmation Form is filed by applicants to inform USAC that services have begun and provide the status of the applicant's technology plan approval and of CIPA compliance.
FCC Form 486 Notification Letter	This letter is issued by both the applicant and service provider to indicate that an FCC Form 486 has been successfully processed.
FCC Form 498	The SPIN and Contact Information Form must be filed by service providers in order to participate in any of the universal service programs. The form is used to collect contact, remittance, and payment information for service providers that receive universal service support.
FCC Form 499-A	The Annual Telecommunications Reporting Worksheet Form is filed annually by companies to report revenue information which is used to calculate mandatory contributions to the USF, TRS, NANP, and FCC. This form is due April 1, annually.

Schools and Libraries Acronyms and Terms

Acronym/Term	Description
FCC Form 499-Q	The Quarterly Telecommunications Reporting Worksheet Form is filed annually by non-de minimis companies to report quarterly revenue which is used to calculate mandatory contributions to the USF. These forms are due to USAC February 1, May 1, August 1, and November 1, annually.
FCC Form 500	The Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation Form is filed by schools and libraries to notify USAC of reductions to or cancellations of approved FRNs and/or changes to reported Service Start Dates or Contract Expiration Dates.
FCC Registration Number (FCC RN)	A 10-digit number that the FCC assigns to a business or individual that registers with the FCC. It is associated with an entity's Taxpayer Identification Number (TIN) and is required before filing FCC Forms 499-A/Q.
Federal Communications Commission (FCC)	A U.S. government agency that regulates interstate and international communications and oversees the universal service fund (USF). In 1997, the FCC designated USAC to be the independent not-for-profit corporation to administer the USF in accordance with its rules.
Funding Commitment Decision Letter (FCDL)	A letter that contains USAC's funding decisions on an applicant's funding requests.
Funding Request Number (FRN)	A number assigned by USAC to each FCC Form 471 Block 5 Discount Funding Request.
funding year	The funding year begins July 1 and ends June 30 of the following calendar year. For example, Funding Year (FY) 2010 began July 1, 2010, and ended June 30, 2011.
Head Start	A comprehensive child development program that serves preschool-age children and their families. Head Start facilities in some states are eligible for E-rate funding.
Helping Applicants to Succeed (HATS)	An outreach program established by USAC to help applicants and service providers by providing targeted customized training and outreach.

Acronym/Term	Description
Internal Connections	The "Internal Connections" section of the ESL describes eligible products, such as routers, switches, hubs, and wiring. Eligible products are located at the applicant site and must be considered a necessity to transport information to classrooms or publicly accessible areas of a library. Product eligibility does not include services that extend across a public right-of-way beyond the school or library facility. Starting with FY2005, under the <u>Two-in-Five Rule</u> , eligible entities can only receive discounts for internal connections in two of every five funding years.
Internet access	Applicants can apply for discounts on basic conduit access to the Internet, but not on content, equipment purchases, or other services beyond basic conduit access. However, selected services that are an integral component part of an Internet access service, (and other services designated as eligible by the FCC) may be eligible for discounts on interconnected VoIP, email service, and web hosting.
Item 21 Attachment	The Item 21 Attachment to FCC Form 471 provides details on the products or services requested in FRNs that appear on the form.
Letter of Agency (LOA)	A Letter of Agency (LOA) authorizes a consortium leader to apply for E-rate discounts on behalf of each consortium member or a consultant to conduct specified activities on behalf of an applicant or service provider.
Library Services and Technology Act (LSTA)	The LTSA, 20 U.S.C. Section 9121 et seq., (1996) provides the statutory definition of a library.
local area network (LAN)	A voice, data, and/or video network that provide connections generally within an eligible school or library to other locations within the school or library.
Lowest Corresponding Price (LCP)	The lowest price that a service provider charges to non-residential customers who are similarly situated to a particular E-rate applicant (school, library, or consortium) for similar services.
mini-bid	An evaluation process used by applicants when a state files an FCC Form 470 and signs state master contracts with more than one service provider as a result. The applicant cannot simply choose one of these service providers, but must evaluate all eligible state master contracts and demonstrate why the service provider it chooses is the most cost-effective solution.

Acronym/Term	Description
ministerial and clerical errors	Errors made in E-rate forms that can be corrected after the forms are submitted to USAC.
National School Lunch Program (NSLP)	This program provides school lunches to eligible students at a free or reduced rate.
News Brief	A weekly newsletter that provides up-to-date program information, including important dates, tips regarding the application process, and other breaking news.
No Child Left Behind Act	The No Child Left Behind Act, 20 U.S.C. Section 7801 et seq., provides the statutory definition of elementary and secondary schools.
non-discount portion	The non-discount portion (also called non-discount share) is the applicant's share of the cost of the eligible E-rate products and services, i.e., the cost to be paid by the applicant after the E-rate discount is applied.
non-instructional facility (NIF)	A school building without classrooms or a library building without public areas. Examples of school NIFs include administrative buildings, bus barns, and cafeteria facilities. Examples of library NIFs include administrative buildings, bookmobile garages, and interlibrary loan facilities.
Notice of Proposed Rulemaking (NPRM)	An announcement issued by the FCC to detail proposed changes to FCC rules and policies and seek public comment on the changes.
Office of Inspector General (OIG)	A division of the FCC that provides independent and objective audits and investigations relating to agency programs and operations.
Office of Management and Budget (OMB)	Part of the Executive Office of the President, OMB reviews and approves FCC forms that are used by universal service contributors and universal service program participants, contributors and service providers.
Online BEAR	The online version of FCC Form 472.
On-Premise Priority 1 Equipment	Equipment owned by a service provider but located at an applicant site. This equipment can be funded as Priority 1 if it meets the conditions of the Tennessee Test.
operational SPIN change	A change to the SPIN featured on one or more FRNs made as a result of a change to the actual service provider.

Schools and Libraries Acronyms and Terms

Acronym/Term	Description
Personal Identification Number (PIN)	A code assigned to a specific authorized person at a specific billed entity to allow online form certification.
Priority 1 (P1)	Telecommunications services, Internet access and telecommunications are known collectively as Priority 1, since they are considered primary and are funded first.
Priority 2 (P2)	Internal connections and basic maintenance of internal connections are collectively known as Priority 2, since they are funded after Priority 1 services beginning with the applicants at the highest discount levels.
Program Integrity Assurance (PIA)	The compliance review process completed before funding commitments are made by USAC.
Public Notice (PN)	A notice issued by the FCC to notify the public of an action taken, a change made, or an upcoming event.
Quarterly Disbursement Report	A report issued by USAC to the applicant detailing all invoicing activity (BEARs and SPIs) for all funding years that occurred during the previous quarter.
Receipt Acknowledgment Letter (RAL)	Issued by USAC to both the applicant and service provider to indicate that a filed FCC Form 471 has been received before the deadline and certified to allow ministerial and clerical corrections.
Receipt Notification Letter (RNL)	The FCC Form 470 Receipt Notification Letter (RNL) is issued by USAC to notify applicants that the FCC Form 470 has been successfully posted.
Recovery of Improperly Disbursed Funds (RIDF)	An RIDF is required when there has been a COMAD but funds have already been disbursed in excess of the revised commitment amount.
Red Light Rule	A requirement that the FCC withholds action on an application, payment, and/or other requests for benefits when the universal service program participant is delinquent in non-tax debts owed to the FCC or other federal governmental agencies. This rule extends to applications for support and disbursements from the universal service fund, and requires that USAC suspend support to any company that shares a Tax Identification Number with a company that has a delinquent debt.

Acronym/Term	Description
Red Light status	An entity is considered in Red Light status when the Red Light Rule goes into effect (the entity is delinquent). See "Red Light Rule." USAC will not make any disbursements until the delinquency has been satisfied or payment arrangements are made. USAC takes into consideration the Red Light status of each entity at the FCC and will hold disbursements until the Red Light status is resolved.
remand	Action taken by the FCC to return applications to USAC for further review.
Request For Proposal (RFP)	A form of solicitation for products or services that provides detailed information regarding those products or services and any additional details necessary for potential bidders to respond. Program applicants may incorporate RFPs in addition to the FCC Form 470.
Revised Funding Commitment Decision Letter (RFCDL)	A letter issued by USAC to applicants and service providers when changes to a funding commitment occur, usually as the result of a successful appeal.
Schools and Libraries Program (SL)	A USAC program that administers the Schools and Libraries support mechanism, commonly known as E-rate.
Selective Review	A detailed compliance review in addition to the normal PIA review that certain applicants must undergo before funding commitments can be issued.
Selective Review Information Request (SRIR)	The request for information sent to applicants when they have been chosen for Selective Review.
service end date	The date that services will end for an FRN. USAC may adjust this date if a program violation is identified or a deadline is missed.
service provider	A company that participates in one of four universal service programs and provides telecommunications or Internet services, equipment, hardware, or software. Types of companies include but are not limited to: competitive access/competitive local exchange carriers (cellular, personal communications, or specialized mobile radio providers), incumbent local exchange carriers, interexchange carriers, Internet service providers, interconnected VoIP, local resellers (coaxial cable, non-traditional, operator, paging, messaging, payphone, prepaid card, private and satellite service providers), shared-tenant service providers or building local exchange carriers, SMR (dispatch), toll resellers, or wireless data providers.

Acronym/Term	Description
Service Provider Identification Number (SPIN)	A nine-digit number that USAC assigns service providers upon submittal of FCC Form 498. Every service provider is required to have a SPIN in order to participate in any universal service programs and to receive payments from USAC.
service start date	The date that services will start for an FRN. USAC may adjust this date if a program violation is identified or a deadline is missed.
service substitution	A change in the products and/or services originally requested in an FRN.
shared discounts	Discounts calculated for a group of individual schools and/or libraries that will share a particular service. They may be simple averages or weighted averages of the discounts of the individual entities.
SPAC – FCC Form 473	See FCC Form 473.
SPI – FCC Form 474	See FCC Form 474.
SPIN – FCC Form 498	See FCC Form 498.
state master contract (SMC)	A contract that is competitively bid and implemented by a state government which can be used by eligible entities within the state to procure products or services, or both.
state replacement contract	A state master contract, filed pursuant to a state-filed FCC Form 470, which can replace an existing state master contract that expires before the end of the upcoming funding year.
technology plan	A plan prepared by a school or library that sets out how information technology and telecommunications infrastructure will be used to achieve educational goals, specific curriculum reforms, or library service improvements. Technology plans must be approved by a USAC-certified Technology Plan Approver. Beginning with Funding Year (FY) 2011, technology plans are only required for Priority 2 services.
technology plan approval date	The date that a USAC-certified Technology Plan Approver officially approves the technology plan (this is different from the technology plan creation date).

Acronym/Term	Description
technology plan approval letter	The letter issued by a USAC-certified Technology Plan Approver to approve an applicant's technology plan. Approvals may also be issued electronically or posted on a website.
Technology Plan Approver (TPA)	An agency or organization that has been certified by USAC to approve technology plans.
technology plan creation date	The date that a technology plan was first written or prepared. It is not the date that the final version of the plan was approved.
telecommunications	<p>"Telecommunications" was added as a category of service on the Eligible Services List starting in Funding Year (FY) 2011. "Telecommunications" covers lit or dark fiber - and certain maintenance and installation costs not provided by a telecommunications carrier. Dark fiber is eligible if the applicant lights the dark fiber immediately; however, the costs for purchasing modulating electronics necessary to light the dark fiber are not eligible.</p> <p>"Telecommunications" does not appear as a separate category of service on program forms. We suggest that applicants considering these services list them as both telecommunications services and Internet access (see telecommunications services) on the FCC Form 470 to maximize the number and type of bids they receive. Applicants would then apply for discounts on the FCC Form 471 under "Telecommunications Services" if the fiber is provided by a telecommunications carrier,. If not, applicants would apply under the "Internet Access" section.</p>
telecommunications services	Commonly available telecommunications services eligible for discounts include local and long distance wired telephone service; interconnected VoIP; cellular phone service, including text messaging and voicemail, and Centrex service. Digital Subscriber Line (DSL), Primary Rate Interface (PRI), T-1, T-3, and satellite services are also eligible. Telecommunications services must be provided by a telecommunications carrier, that is, a company that offers telecommunications services on a common carriage basis.
Tennessee Test	The term derives from FCC Order (FCC 99-216, released Aug. 11, 1999) that specified the various conditions that an applicant must meet for on-premise equipment to be funded as Priority 1 services.

Acronym/Term	Description
Two-in-Five Rule	The Two-In-Five Rule states that beginning with Funding Year (FY) 2005, eligible entities will only be able to receive E-rate discounts for "Internal Connections Other than Basic Maintenance" two out of every five funding years.
Universal Service Administrative Company (USAC)	The independent not-for-profit corporation created by the FCC in 1997 to administer the four universal service support mechanisms (programs) which help provide communities across the country with access to affordable telecommunications services.
universal service fund (USF)	Money collected from telecommunications companies and dedicated to fulfilling the goals of universal service. Under the authority of the 1996 Telecom Act, the FCC created the USF as well as the Universal Service Administrative Company (USAC), the organization charged with administering the USF. Companies make contributions to the USF based on revenues from providing international and interstate telecommunications services.
Voice over Internet Protocol (VoIP)	A technology that allows users to make phone calls using the same line as an Internet connection.
Wave	This term is used for a group of funding commitment notifications that USAC issues to applicants and service providers on a given date. Waves are usually issued weekly.
Whistleblower Alert Hotline/ "Code 9 Call"	This hotline allows members of the public to report suspected violations of program rules to USAC. These reports can be made anonymously and toll free by calling (888) 203-8100.
wide area network (WAN)	A voice, data, and/or video network that provides connections from within an eligible school or library to other locations beyond the school or library.

ATTACHMENT E



[USAC Home](#) [Schools and Libraries Program](#) [Program Deadlines](#)

PROGRAM DEADLINES

General Information	<p><u>Non-Recurring Service Implementation & Delivery</u></p> <p>In general, the deadline for delivery of non-recurring services is September 30 following the funding year.</p> <p>In certain circumstances, this deadline can be extended, either automatically or through an approved request.</p>
Form 470	
Form 471	
Form 472	
Form 473	
Form 474	
Form 479	
Form 486	
Form 498	
Form 499-A	
Form 499-Q	
Form 500	
Appeals	
COMAD	
Extension Requests for Invoicing USAC	
Extension Requests for Non-Recurring Service Implementation & Delivery	
Invoice Deadline	
Non-Recurring Service Implementation & Delivery	
Recurring Service Implementation & Delivery	
Red Light	
Service Substitutions	
SPIN Changes	
Technology Plan Approval	

If you are using this tool to calculate a deadline, you must know it is designed to simply count calendar days from the date(s) entered. In c submission falls on a non-business day (e.g., Saturday, Sunday or federal holiday), the deadline becomes the next business day. It is your r

Disclaimer: This tool assists in determining the deadlines for program forms and other submissions. It is your responsibility to ensure the is also your responsibility to meet program deadlines. The Universal Service Administrative Company, its employees, representatives, affili warranty, express or implied, or assume any liability or responsibility for the accuracy or completeness of any information or calculations pr Administrative Company, its employees, representatives, affiliates and contractors are not liable for any miscalculations or misinformation.

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ATTACHMENT F



Fairfax School District

Empowering Students To Succeed

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DISTRICT SUPERINTENDENT

Michael Coleman
ASSISTANT SUPERINTENDENT
Jennifer Weiting

November 5, 2013

Service Delivery Deadline Extension Request
Schools and Libraries - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

RE: Service Delivery Extension Request
FRN Numbers: 2304040, 2304083, 2304108

To Whom It May Concern,

The Fairfax School District is respectfully requesting an extension of service on the above referenced FRN numbers. These projects are for the construction of our new elementary school. The project has been stopped a number of times in the past 15 months. These stoppages were well outside the ability of our school district's control and outside the vendor's control as well.

The district issued a notice to proceed to each of the vendors and issued a form 486 prior to the September 30, 2013 deadline. It was the districts understanding that with this issuance that the vendors could issue progress payments on the projects after the September 30, 2013 deadline. It is now clear that this extension was not extended to "one time" projects.

The information that is requested for your consideration is below:

- Contact person name:
Michael Coleman, District Superintendent
- Contact information (including email address):
Fairfax School District
1500 S. Fairfax Rd.
Bakersfield, CA 93307
Office Phone: 661-366-7221
Cell Phone: 661-366-1901
Email: mcoleman@fairfax.k12.ca.us
- FCC Form 471 Application Number:
848197 ✓

848215

848221

- Funding Request Number (FRN)
2304040
2304083
2304108
- Service provider name
Pavletich Electric & Communication, Inc.
Global CTI Group, Inc.
Global CTI Group, Inc.
- Service Provider Identification Number (SPIN):
143030513
143016795
143016795
- Reason for service delivery deadline extension request:

The three (3) 471, FRN, Vendors were went out for during design and construction of our new elementary site. The construction was expected to move along well within the timelines. The State funding of the school was extremely slowed down as the State economy required deferrals of payments and stoppage of State bond sales. At the same time, after funding the State issued a delay on approval related to a structural issue. These have all been resolved. The district was aware of a September 30, 2013 deadline but was under the impression that issuing a notice to proceed to the vendors and a form 486 would satisfy the deadline and allow for progress payments.

I am humbly requesting this extension as a denial would deal a debilitating blow to our district construction budget for this school site.

- Documentation or certification required (re: criterion 3 or criterion 4):

As the Superintendent of the School District, I am certifying under penalty of perjury that the delays mentioned above are entirely outside of the control of the service provider(s).

Signature:  Date: November 5, 2013

I appreciate your consideration of this request, and am willing to answer further questions so that a quick resolution to this issue can proceed.

Sincerely,



Michael Coleman
District Superintendent